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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,078

03/24/2004

Roger V. Maes

7268-4

7656

22442

7590

09/17/2004

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EXAMINER

JONES, DAVID B

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,078

Applicant(s)

Maes

Examiner

David B. Jones

Art Unit

3725

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0926/2004 6) ☐ Other:

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DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Zales et al. Zales et al. teaches the claimed invention including a support handle generally at 13 with a rectangular (non-circular) shaped orienting member at the outer end thereof, a bending handle 17, a connecting member 16 which is pivotally connected at 19 to the support, and a die at 10/12. Further the die has graduation marks and the bending handle has an index to measure the amount of bend to the workpiece.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zales et al. in view of Kalanish. Zales teaches the claimed invention excepting a pivotal connection between the connecting member and the bending handle and an offset portion to the support handle. Kalanish teaches both structures at 30 and 24 (Fig. 1) respectively to aid in the bending of workpieces into more extreme bends than a non-pivotal handle and offset support handle. It would have been obvious to one of ordinary

skill in the art at the time of the invention to have provided the bender of Zales the pivotal bending handle and offset support handle as taught by Kalanish to aid in the further bending of workpieces without removing the work from the tool.

3. Claims 6, 8, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godin in view of Zales et al. Godin teaches a vise for holding a generic bending apparatus 26, the vise having a movable jaw 23 that is capable of moving toward and away from a stationary member 24 and holding the handle of the bending device, the vise jaws having square opening to hold various size handles of bending devices. Hence Godin teaches the claimed invention excepting the particular type of bending device. As treated supra, Zales et al. teaches the claimed bending device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the vise of Godin the particular bending device of the Zales to perform the type of bending that is taught by Zales in a pre-held position as taught by Godin, such a provision being an obvious choice known bending device for use in a holding device. To have made the holding jaws of Godin to a shape to conform to the handle of Zales would have been an obvious choice of bending device expedience and would have been obvious to the artisan of ordinary skill in the art.

4. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godin in view of Zales et al., as applied to claims 6, 8, 11, and 14 above, and further in view of Kalanish. Godin and Zales et al. teaches the claimed invention excepting a pivotal connection between the connecting member and the bending handle and an offset portion to the support handle. Kalanish teaches both structures at 30 and 24 (Fig.

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1) respectively to aid in the bending of workpieces into more extreme bends than a non-pivotal handle and offset support handle. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the bender of Zales the pivotal bending handle and offset support handle as taught by Kalanish to aid in the further bending of workpieces with out removing the work from the tool.

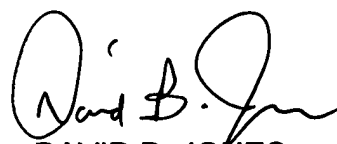
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David B. Jones whose telephone number is (703) 308-1887.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant (s) wishes to communicate via Fax number for Group 3700 is (703) 872-9306.

wahp



DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 3725